

Officer Singh is excused from attending jury selection. The jury will not be given an explanation.



SO ORDERED.
/s/ Alvin K. Hellerstein
December 3, 2021

GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

Brian Zapert
Assistant Corporation Counsel
phone: (212) 356-2354
bzapert@law.nyc.gov

December 2, 2021

VIA ECF

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Kevin Hutchinson v. City of New York, et al.
19 CV 00270 (AKH)

Your Honor:

I am one of the Assistant Corporation Counsels assigned to the defense of this case. As Your Honor is aware, jury selection in this case is scheduled to begin on December 9, 2021. For the reasons set forth below, defendants write to respectfully request that defendant Police Officer Singh be excused from attending jury selection in this case. To the extent the Court is inclined to grant the within request, defendants further respectfully request that the Court issue a statement to all potential jurors that defendant Officer Singh is not present at jury selection through no fault of his own. Plaintiff's counsel, Jason Leventhal, takes no position regarding defendants' request that Officer Singh be excused from jury selection, but, objects to defendants' proposed statement to potential jurors on the grounds that it misrepresents the fact that it is Officer Singh's choice to be present or not at jury selection.

As noted above, jury selection in this case is scheduled to begin on December 9, 2021. Defendants request that Officer Singh be excused from being present at jury selection because he presently resides in Indiana and will not be arriving in New York until after December 9th. Defendant Officer Singh is no longer employed by the New York City Police Department and therefore must take time off from work in order to appear at trial. In an effort to minimize this disruption, defendants respectfully request that he be excused from attending jury selection. To the extent the Court is inclined to grant the within request, we also ask that the Court issue a statement to all potential jurors that defendant Officer Singh is absent from jury selection "through no fault of his own" in order to dispel any negative inference that might be drawn from his absence.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

Brian Zapert/s/

Brian Zapert
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
Jason Leventhal, Esq.